

1 BARRY J. PORTMAN  
2 Federal Public Defender  
3 SHAWN HALBERT  
4 Assistant Federal Public Defender  
5 555 12th Street, Suite 650  
6 Oakland, CA 94607  
7 Tel: (510) 637-3500

8 Counsel for Defendant JOSE ANTONIO DEL TORO-SANCHEZ

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11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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17 UNITED STATES OF AMERICA, ) ) No. CR-08-0142 SBA  
18 v. ) ) STIPULATION AND ORDER TO  
19 JOSE ANTONIO DEL TORO- ) ) CONTINUE HEARING FROM APRIL  
20 SANCHEZ ) ) 1, 2008 TO APRIL 8, 2008 AND FOR  
21 ) ) EXCLUSION OF TIME  
22 ) )  
23 ) )  
24 ) )  
25 ) )  
26 ) )  
Defendant. ) )

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17 Defendant Jose Antonio Del Toro-Sanchez's first appearance before Your Honor is scheduled  
18 for April 1, 2008. Undersigned defense counsel will be unavailable on April 1, 2008. The parties  
19 therefore stipulate and agree that Mr. Del Toro-Sanchez's hearing should be continued by one week  
20 to April 8, 2008 at 9:00 a.m. for status. Mr. Del Toro-Sanchez is in custody.

21 The parties further stipulate and agree that the time between April 1, 2008 and April 8, 2008,  
22 should be excluded from calculations under the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and  
23 (B)(iv). The additional time is necessary for continuity of counsel, and counsel will also use the  
24 time reasonably for effective preparation, taking into account the exercise of due diligence.

25 For these reasons, the parties request that the Court order that this period of time should be  
26 excluded under the Speedy Trial Act, 18 U.S.C. §3161 (h)(8)(A) and (B)(iv), because the

1 continuance is necessary to provide defendant with continuity of counsel and with the reasonable  
2 time necessary for effective preparation, taking into account the exercise of due diligence.

3 SO STIPULATED.

4 Dated: March 24, 2008

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 CHINHAYI COLEMAN  
6 Assistant United States Attorney

7 SO STIPULATED.

8 Dated: March 24, 2008

/S/

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 SHAWN HALBERT  
10 Attorney for Defendant FRYE

11 **SIGNATURE ATTESTATION**

12 I hereby attest that I have on file all holograph signatures for any signatures indicated by  
13 a "conformed" signature (/S/) within this e-filed document.

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## ORDER

Good cause appearing therefore, and pursuant to the stipulation of the parties, it is the ORDER of this Court that the above-captioned matter be continued by one week from April 1, 2008 to April 8, 2008 at 9:00 a.m. for status.

Based on the reasons provided in the stipulation of the parties above, the Court hereby FINDS that the ends of justice served by granting the continuance outweigh the best interests of the public and the defendant in a speedy trial, and that the failure to continue the matter would deny defendant Frye continuity of counsel and the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. See 18 U.S.C. §3161(h)(8)(A) & (B)(iv).

Based on these findings, IT IS HEREBY ORDERED THAT the time from April 1, 2008 to April 8, 2008 shall be excluded for purposes of the Speedy Trial Act, 18 U.S.C. §3161(h)(8)(A) and (B)(iv).

Dated: 3/26/08

Saundra B Armstrong  
SAUNDRA BROWN ARMSTRONG  
United States District Court